

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**August 3, 2006**



**PV 06-15 and PV 06-17: Joseph Rivera**

**CASE DESCRIPTION:** a request for variance (PV 06-15) from the minimum 25-foot front building setback generally required on residential lots, to allow construction of an open carport planned to extend within 20 feet from the front property line on the subject property; and

a request for variance (PV06-17) from the minimum 7.5-foot side building setback generally required on residential lots, to allow construction of an open carport planned to extend within 3.5 feet from the northeast side property line on the subject property

**LOCATION:** 2305 Staunton Drive

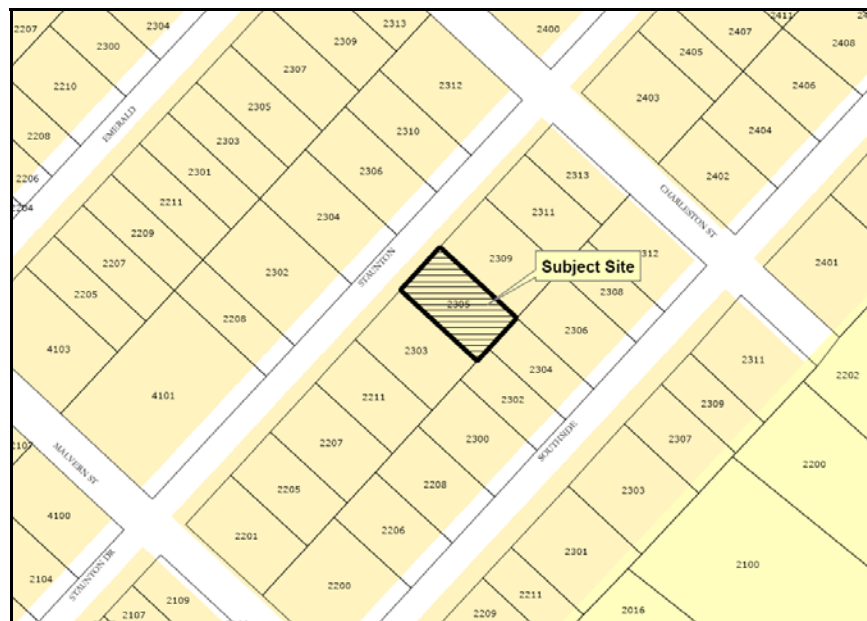
**LEGAL DESCRIPTION:** Margaret Wallace Subdivision, Block 13, Lot 9, & Pt of Lot 8

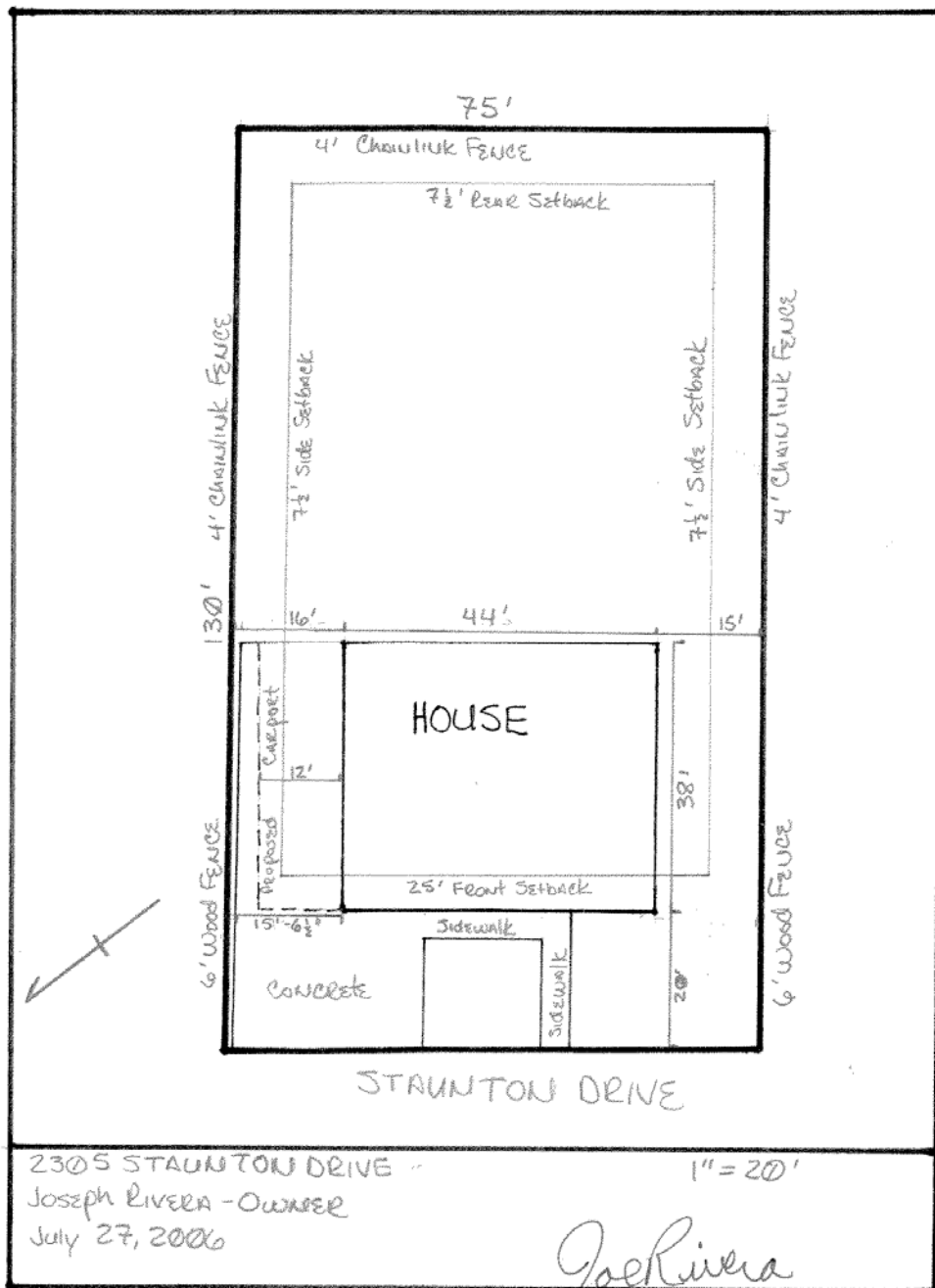
**EXISTING LAND USE:** single-family home

**APPLICANT(S):** Joseph Rivera

**STAFF CONTACT:** Stephan Gage, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** both requested variances.







**VIEW OF AREA WHERE  
PROPOSED CARPORT  
WILL BE CONSTRUCTED.**



**VIEW OF THE FRONT OF  
ENTIRE PROPERTY,  
INCLUDING THE AREA  
WHERE PROPOSED  
CARPORT WILL BE  
CONSTRUCTED.**



**PHOTO OF ADJACENT  
PROPERTIES.**

## **BACKGROUND:**

The applicant is requesting a 5-foot variance from the minimum required 25-foot front building setback (PV 06-15), and a 4-foot variance from the minimum required 7.5-foot side setback (PV06-17). If approved, these variances will allow the construction of a proposed open carport, planned to be attached to the northwest corner of an existing residence on property at 2305 Staunton Drive, as shown on the accompanying site plan.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

**Staff believes that, in this particular case, the requested variance from the minimum required front building setback will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. The proposed open carport is planned to align with the front face of the existing single-family home on this property, which is set back only 20 feet from this site's front property line.**

**Staff believes that, in this particular case, the requested variance from the minimum required side building setback will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. There appears to be no other practical location on this site to construct covered car storage in conformance with minimum building setback standards. It appears that the single-family home at one time had an attached garage that was enclosed.**

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

**Staff contends that neither of the requested variances will be detrimental to the public health, safety or welfare, nor materially injurious to properties abutting the subject property.**

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

**As stated above, staff believes that the existing conditions on this site do not allow for the construction of a carport in a practical location, without approval of the requested variances from minimum building setback standards. Staff believes that approving both requested variances will still leave a minimum margin of open space on this home site and should, therefore, not negatively affect the overall ambience of this residential neighborhood.**

## **RECOMMENDATION:**

Staff recommends **approving both** variances from minimum building setback standards, specifically as requested with case numbers PV 06-15 and PV 06-17.